RAJYA SABHA

Monday, the 20th December, 2004/29 *Agrahayana,* 1926 *(Saka)*

The House met at eleven of the clock,

MR. DEPUTY CHAIRMAN in the Chair.

ORAL ANSWERS TO QUESTIONS

MR. DEPUTY CHAIRMAN: Question Hour. Q.No. 261, Shri Janardhana Poojari.

Undesirable channels on D.T.H. Television

*261. SHRI JANARDHANA POOJARY: Will the Minister of INFORMATION AND BROADCASTING be pleased to state:

(a) whether it is a fact that it has become possible for the DTH Television users to view certain undesirable channels using certain types of smart cards;

(b) if so, the details thereof; and

(c) how this misuse of the system is proposed to be curtailed?

THE MINISTER OF INFORMATION AND BROADCASTING AND CULTURE (SHRI S. JAIPAL REDDY): (a) to (c) AStatement is laid on the Table of the House.

Statement

(a) to (c) DTH broadcasting service refers to distribution of multichannel TV programmes in Ku band by using a satellite system by providing TV signals direct to subscribers' premises. All the distribution platforms such as DTH, cable networks, internet, cell phones, etc. are susceptible to misuse through various technical devices, including smart cards. However, the possibility of receiving pornographic channels through DTH service was looked into. The records of the private DTH Service Provider were examined by a am of this Ministry. It was found that the bouquet of TV channels provided
the Service Provider did not contain any pornographic channel.

The existing DTH license conditions for setting up and operating DTH Service in India contain adequate safeguards with regard to the carriage of

undesirable contents in DTH service. The terms and conditions of the Licence Agreement, *inter alia,* make it obligatory on the part of the DTH licensee to adhere to the Programme and Advertisement Codes, as laid down by this Ministry. The use of DTH service for anti-national activities would be construed as an offence punishable under the Indian Penal Code and applicable laws and will attract immediate termination of license.

While this Ministry is in the process of strengthening the monitoring arrangements in this regard, it is also contemplating a legislation to put in place a regulatory structure for broadcasting.

श्री एस. एस. अहलुवालिया : उपसभापति जी, मैं एक महत्वपूर्ण मुद्दा उठाना चाहता हूं

SHRI SANTOSH BAGRODIA: Sir, this is Question Hour. *(Interruptions)...*

श्री उपसभापति : आपने नोटिस दिया है? ...(**व्यवधान**)... You can raise it during Zero Hour. *(Interruptions)...*

श्री एस. एस. अहलुवालिया : उपसभापति जी, एक मंत्री ने सरेआम आचार संहिता का उल्ल्घंन किया है...(**व्यवधान**)...

श्री उपसभापति : जीरो ऑवर में उठाइए । You can raise it during Zero Hour. Q. No. 261, Shri Janardhana Poojary.

SHRI JANARDHANA POOJARY: Sir, the Direct-to-Home, that is, the DTH, subscribers can see all types of sexual action which affects the morality of the younger generation. It is spreading to rural India also. Apart from that, there is a dangerous aspect to the system. The terrorists can get any instruction and any message from their bosses directly to their houses and they can destroy any point. So, what safeguards has the Government been contemplating? I would like to know whether any legislation will be brought forward and if any legislation will be brought forward, by which time it will be brought forward.

SHRI S. JAIPAL REDDY: Sir, the modern technology is such that it is susceptible to misuse. It is true in the case of Ku band and it is also true in the case of C-band, cable network, internet, cell phones and so on and so forth Confining myself to Ku band, I would like to submit to the ho' Member that all the precautions have been taken, when the license was

given and all the precautions will be taken as and when further licences are given. The precautions include that the licencesor can terminate the licence of the licensee, if there is evidence to show that the platform has been misused either for showing obscene content or endangering the national security.

SHRI JANARDHANA POOJARY: Sir, though he has given a straightforward answer, he has not answered the second part of my first supplementary as to by which time he would bring forward a legislation, if at all he has been contemplating any legislation. In his reply to the question, he has stated that he is contemplating a legislation. I would like to know by which time it would be introduced in the Parliament.

Secondly, it is said that this system is not viable and there will be loss to the Government. If it is not viable at all, why is the Government going in for that? If there is going to be any loss, to what extent would be the loss?

SHRI S. JAIPAL REDDY: Sir, I would like to answer the question that he has put in regard to the first supplementary. The present safeguards are adequate. We are asking the licensee to keep a record of three months. In fact, in the case of the existing licensee, we inspected the record. We did not find anything objectionable. But, as the hon. Member has rightly said, there is also need for a legislation and that legislation will cover ail regulatory aspects of broadcasting, including Ku band.

As for viability—Shri Janardhana Poojary is a very senior Member- there are two DTH platforms. One is that of a private player. If there are losses, the losses are incurred by the private player. There is another platform that belongs to the Doordarshan which has been recently launched by the hon. Prime Minister. The Doordarshan does not go strictly by commercial terms. Therefore, the question of loss does not arise.

SHRI N.K. PREMACHANDRAN: Sir, the Standing Committee on Information Technology has submitted its report on 14.12.2004. The Committee is of the view that the guidelines cannot be a substitute but for comprehensive legal framework. So, the Committee is very strictly ommending for a comprehensive legislation in respect of two angles, is, national security angle as well as obscene scenes or undesirable Channels coming through the DTH. Would the Minister specifically say

that such a comprehensive legislation regulating the DTH would be brought before the House? I would like to have a specific answer.

SHRI S. JAIPAL REDDY: Sir, since the terms and conditions are laid down in the licence itself, that is absolutely valid from the legalistic angle. However, I appreciate the point made by the hon. Member on the Standing Committee. I agree with the hon. Member that there is need for a comprehensive legislation. We are thinking of one. We will try to come as quickly as possible.

श्रीमती सुषमा स्वराज : उपसभापति महोदय, माननीय मंत्री जी ने अभी एक प्रश्न के उतर में कहा कि यदि यह तय हो जाए कि दिखाई जाने वाली चीज अश्लील है, तो licensor, licensee का लाइसेंस रद्द कर सकता है । मैं माननीय मंत्री जी से जानना चाहूंगी कि चीज अश्लील है, यह content obscene t है, इसका फैसला कौन करेगा क्योंकि अभी तक सरकार यह निर्णय नही कर पाई है कि regulator कौन होगा, Broadcasting Regulator Authority होगी या Convergence Commission होगा? अभी तक Authority नही बन पाई है और न ही अभी तक कमीशन set-up हो पाया है । आगे की सज़ा तो तब होगी, जब पहले यह तय होगा कि content obscene है या नही । तो इसका फैसला कौन करेगा?

SHRI S. JAIPAL REDDY: Sir, although the question does not relate to Ku band, but the question is relevant. I am eager to answer this question. Well, you are aware/Sir, the definition of obscenity differs from time-to-time, court-to-court, judge-to-judge and person-to-person. While that is a subjective matter, the Government is not helpless. In fact, the Government did ban one TV Channel which was circulating pornographic content. The Ministry is competent. But I agree that there is need for a regulatory structure to look into the content as well.

श्री मोती लाल वोरा : माननीय उपसभापति जी, मैं मंत्री जी से यह जानना चाहता हूं कि इनके मंत्रालय को DTH के कितने आवेदन मिल चुके है और वे कब - कब थे, उन आवेदनों पर किन – किन लोगों को लाइसेंस दिए गए है । महोदय, इन चैनल्स के द्वारा आज जिस तरह की सामग्री टेलीविजन पर दी जा रही है, मैं समझता हूं कि वह भारतीय संस्कृति के बिल्कुल विपरीत है और इस विपरीतता के आधार पर हम यह कह सकते है कि समाज के अंदर विकृति उत्पन्न होती जा रही है । मैं माननीय मंत्री जी से जानना चाहता हूं कि क्या ये इसके लिए सख्ती के साथ कानून बनाने की कोशिश करेंगे ? मंत्री जी यह भी बताएं कि अभी कितने लोगों को DTH के लाइसेंस दिए जा चुके है?

SHRI S. JAIPAL REDDY: Sir, four parties sought license. One company, A.C. Enterprises was given license; one more company, the Space TV is actively pursuing and this is at an advanced stage of consideration. As for the contents, Shri Motilal Vora is a veteran and that apart, today is his birthday and he is concerned about obscenity, it must be taken with due care. I would like to say that Ku band platform is only a platform. So we have a right to examine the channels that become part of the bouquet of the platform.

श्री संजय निरुपम : उपसभापति जी , DTH की guidelines के हिसाब से जो terms and conditions है, उनमें चैनल्स का bouquet तय करने का अधिकार ज़ाहिर सी बात है कि आपने DTH operators के ऊपर छोड़ दिया है कि You can decide your bouquet. क्या इन guidelines में ऐसा कोई प्रोविजन है कि bouquet फाइनल करने के बाद वे I&B Ministry के सामने प्रपोजल लेकर जाएं कि These are the channels we are going to show through our DTH platform और क्या आपने कभी इस पर कोई obihection किया है कि यह particular channel मत दिखाइए, सिर्फ इतने ही channels दिखाइए, क्या ऐसा कोई केस हुआ है?

SHRI S. JAIPAL REDDY: Sir, first of all. in the Licence Agreement, it is very clear that a DTH platform owner cannot say, 'No', to any channel which wants to ride on the platform. And, as for channels, they don't have to show the bouquet to us; they have the right to examine them. As and when we find that a channel is undesirable, we reserve our right to ban that, and a banned channel cannot be a part of the bouquet at all.

SHRI RAVULA CHANDRA SEKAR REDDY: Sir, going by the answer of the hon. Minister, termination of licence is not a punishment. I would like to know from the hon. Minister whether he is satisfied with the existing Indian Penal Code regarding punishment given to guilty people. Since most of our laws are non-cognisable and bailable, I would like to know from the hon. Minister, if he is not satisfied with them, whether he is going to make them cognisable, non-bailable and more stringent? And, do you also feel that the present law has sufficient teeth to control these illegal activities?

SHRI S. JAIPAL REDDY: Sir, apart from terms and conditions of the icence Agreement, they are also subject to the laws of the country, namely, e Indian Penal Code and all other applicable laws. The Indian Penal)de, in my view, is a powerful instrument. There are many other laws; in

this country, we have no dearth of laws. We only have a problem in implementing the laws to which we need to address ourselves.

श्रीमती सरला माहेश्वरी : माननीय उपसभापति जी, माननीय मंत्री जी ने अपने उत्तर मे कहा है कि मंत्रालय इस संबंध में मानिटरिंग व्यवस्थाओं को सुदृढ़ करने की प्रकिया में है, तथापि यह प्रसारण के लिए विनियमित ढाचें के स्थान पर एक विधान पर भी विचार कर रहा है । उपसभापति जी, मैं माननीय मंत्री जी से यह जानना चाहती हूं कि जब आपने अब तक कोई विनियामक ढांचा बनाया नही है, कोई विधान बनाया नही है, बिना किसी विधान , बिना किसी विनियामक ढाचें के इतना बड़ा प्रसारण उद्योग , जो 15 हजार करोड़ रुपए से भी अधिक का है और वह काम कर रहा है और तदर्थ ढंग से आपने डीटीएच को अनुमति दे दी, मैं आपसे यह भी जानना चाहती हूं कि क्या यह सत्य नही है कि बहुत से विदेशी चैनल हमारे यहां के अपलिंकिंग नियमों का उल्लंघन कर रहे है? क्या यह सत्य नही है कि उनके लिए जो सामान्य नीति – निर्देश बनाए गए है, वे इतने कठोर नही है? वे यहां से जितना रूपया ले जाते है, उसे विदेश में लगाते है, जबकि उनके लिए शर्त होनी चाहिए कि वे यहां से जितना लाभांश , जो राजस्व अर्जित करते है, वह इसी देश में लगाया जाना चाहिए । एफडीआई के मामले में उनके सामने कोई नीति – निर्देश नही है । वहीं एफडीआई के मामले में जो निर्देश अखबारों में लागू है , वहीं नीति – निर्देश मीडिया के क्षेत्र में क्यों नही लागू है? इसलिए उपसभापति महोदय? मैं माननीय मंत्री जी से यह जानना चाहूंगी कि जब ये विधान पर विचार कर रहे है, ब्रोडकास्टिंग विधेयक , जिस पर विचार चल रहा था, उसको तो डिब्बे में डाल दिया गया, तो यह विधान बनाते समय क्या इन सब चीजों पर विचार करेंगे और इसे कब जल्द – से – जल्द लाएंगे?

SHRI S. JAIPAL REDDY: Sir, when I said that we would strengthen the monitoring mechanism, today, we go by their records. We now feel that we must have our own record. That is what I meant by monitoring. As for the law, I agree with the hon. Member completely. But, as you know, Sir, in case of news channels, we have the FDI cap. But, in respect of non-news channels, there are no FDI caps. It is a matter of policy decision. I am sure we will keep the views of the hon. Member, who belong to my supporting party, in mind while formulating the law.

श्री मुख्तार अब्बास नकवी : उपसभापति महोदय, पूरे विश्व में जो सूचना क्रांति है, उस सूचना क्रांति का एक महत्वपूर्ण हिस्सा 'डायरेक्ट टू होम ' के रूप में सामने दिखाई पड़ रहा है । उपसभापति महोदय, मैं आप के माध्यम से माननीय मंत्री जी से पूछना चाहूंगा कि जिस तरह से आज खुले रुप में अश्लीलता डी. टी. एच. या सूचना के क्षेत्र में आई क्रांति के माध्यम से परोसी जा रही है, उस पर अंकुश लगाने के लिए कानून कब तक बन जाएगा । महोदय, मंत्री जी ने कहा कि इस पर कानून बनाने के लिए स्टेडिंग कमेटी ने रिकमंडेशन की है और ऐसा कानून बनाने पर विचार भी हो रहा है तो क्या माननीय मंत्री जी सदन को यह बताना चाहेंगे कि ऐसा कानून कब तक और कितने समय में

में बनेगा? उपसभापति महोदय, महत्वपूर्ण बात यह है कि डी. टी. एच. या सूचना क्रांति के माध्यम से प्राप्त तमाम सुविधाएं आज हमारे घरों में अश्लीलता परोस रही है । इसके साथ ही लोगों को सूचना प्राप्ति का अधिकार और देश की संस्कृति की सुरक्षा – ये तमाम चीजें जुडी हुई है, इसलिए माननीय मंत्री जी यह बताने का कष्ट करें कि इस बारे में कानून कब तक और कितने समय में बन जाएगा ?

श्री संजय निरुपम : रेगुलेटर कब तक आ जाएगा ?

SHRIS. JAIPAL REDDY: Sir, the hon. Member was the Minister in the Ministry of Information and Broadcasting. He knows the time that is taken in law-making. May I draw his attention to the Broadcasting Authority Bill which I had the privilege of introducing. I am trying to dust up that file, and I will bring forward the Bill as soon as possible.

दलितों का उत्पीड़न किये जाने की घटनाएं

* 262. **श्री पी. के. माहेश्वरी** : क्या सामाजिक न्याय और अधिकारिता मंत्री यह बताने की कृपा करेंगे कि:

(क) क्या सरकार को मौजूदा समय में दलितों का उत्पीड़न किये जाने की घटनाओं की जानकारी है ;

(ख) यदि हां , तो क्या सरकार इन घटनाओं को रोकने के लिए कोई कार्य योजना बना रही है ;

(ग) क्या सरकार इस संबंध में कोई निगरानी एजेंसी गठित करने का विचार रखती है ;

(घ) यदि हां, तो तत्संबंधी ब्यौरा क्या है ; और

(ड़) यदि नही, तो सरकार द्वारा क्या प्रभावी कदम उठाए जा रहे है?

सामाजिक न्याय और अधिकारिता मंत्री (**श्रीमती मीरा कुमार**) : (क) से (ड़) विवरण सभा पटल पर रख दिया गया है ।

विवरण

(क) से (ड़) : संवैधानिक प्रावधानों के अनुसरण में, संसद के दो अधिनियम नामश : सिविल अधिकार संरक्षण अधिनियम, 1955 तथा अनुसूचित जाति और अनुसूचित जनजाति (अत्याचार निवारण) अधिनियम, 1989 में अत्याचार निवारण, कानूनी सहायता , विशेष सैल , विशेष न्यायालय तथा सभी स्तरों पर मानीटरिंग के लिए एक ढ़ांचा बनाए जाने की व्यवस्था का उल्लेख है । इन